

EXHIBIT 12

**REDACTED VERSION
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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO, LLC,)
Plaintiffs,)
- vs -) Case No.
UBER TECHNOLOGIES, INC.,) 3:17-cv-00939
OTTOMOTTO LLC; OTTO)
TRUCKING, LLC,)
Defendants.)

VIDEOTAPED DEPOSITION OF JOHN BARES,
a witness, called by the Plaintiff for examination,
in accordance with the Federal Rules of Civil
Procedure, taken by and before Tammie Elias, RPR and
Notary Public in and for the Commonwealth of
Pennsylvania, at the office of Reed Smith, 225 Fifth
Avenue, Suite 1200, Pittsburgh, Pennsylvania, on
Friday, June 16, 2017, commencing at 9:05 a.m.

JOB No. 2640097

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1 ATC was just a couple of months maybe behind 11:29a
2 its target time to achieve that milestone that 11:30a
3 you guys initially set in January of 2015; is 11:30a
4 that right? 11:30a

5 A. That was my view, yes. 11:30a

6 Q. So why do you think Mr. Kalanick wasn't happy 11:30a
7 with the progress at that time? 11:30a

8 A. I think he viewed that we could go faster and 11:30a
9 some of that view was reflective of advice he 11:30a
10 had been getting from Mr. Levandowski. 11:30a

11 Q. So when it comes to moving faster, at that 11:30a
12 point June 2016, what were the next milestones 11:30a
13 that the ATC group had met? 11:30a

14 A. We were still focused on launching a service 11:30a
15 in Pittsburgh with self-driving cars, that was 11:30a
16 the milestone goal, and we still believed we 11:30a
17 could do it in August. 11:31a

18 Q. Were there any milestones that the team had in 11:31a
19 mind beyond that first one? 11:31a

20 A. At that point, yes. I mean at that point now 11:31a
21 the organization is 300 people, so there's -- 11:31a
22 or 450 people, there are lots of milestones. 11:31a
23 All different product areas had milestones and 11:31a
24 goals. 11:31a

25 Q. So let's back up in time a little bit to let's 11:31a

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1 say fall of 2015? 11:31a

2 A. Okay. 11:31a

3 Q. At that time what were ATC's goals? 11:31a

4 A. So still to launch this service in the 11:31a

5 following August. We were also at that time 11:31a

6 working hard to build one or more 11:31a

7 relationships with OEMs for the cars, the car 11:31a

8 platform, there's goals written around that. 11:32a

9 There were -- there was a -- we have -- fall 11:32a

10 of 2015 I think we had a goal then of first 11:32a

11 car, taking a car on the street for the first 11:32a

12 time in February of 2016, that was a goal we 11:32a

13 were rallying to right then. 11:32a

14 Q. How about goals for profitability of self- 11:32a

15 driving cars with ride-share? 11:32a

16 [REDACTED] 11:33a

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 Q. Did you have any goals in that fall 2015 time 11:33a

23 frame about scaling production of any aspects 11:33a

24 of self-driving car technology? 11:33a

25 A. Yes. I just mentioned one which was getting 11:33a

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1 I read that correctly? 03:12p

2 A. Yes. 03:12p

3 Q. I'd like to ask you some questions about this 03:12p
4 bullet here. So when you wrote that he would 03:12p
5 bring filtered advice about what to try and 03:12p
6 not try, what does that refer to? 03:12p

7 A. Filtered advice to me was know-how. It's like 03:12p
8 which way to attack the mountain and he had 03:12p
9 been at this since I met him that day in the 03:12p
10 desert in 2004, multiple companies, multiple 03:12p
11 efforts. The first guy to send an autonomous 03:12p
12 car across the Bay Bridge, he knew a lot about 03:12p
13 autonomy, so he would bring filtered men, he's 03:12p
14 not going to bring direct advice from a prior 03:12p
15 company such as Google, but he would bring 03:12p
16 filtered to me, like you filtered up enough 03:12p
17 and then it's know-how. 03:12p

18 Q. So the second part here you write that is █ 03:13p
█ ██████████ █
█ ██████████ █
█ ██████████ █
█ ██████████ What does that refer to? 03:13p

22 A. ██████████ █
█ ██████████ █
█ ██████████ █
█ ██████████ 03:13p

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1 [REDACTED] 03:13p

2 Q. So then the next bullet says worked for 03:13p

3 Velodyne for a spell, not sure about that 03:13p

4 except that he knows their IP. Did I read 03:13p

5 that correctly? 03:13p

6 A. Uh-huh. 03:13p

7 Q. What does that refer to? 03:13p

8 A. Just what it says, he worked for Velodyne I 03:13p

9 believe around 2005 he was a consultant or an 03:13p

10 employee, he sold sensors for them. And I 03:13p

11 didn't know much about his relationship with 03:13p

12 them, but he would certainly have known their 03:13p

13 IP given that he worked for them or was a 03:13p

14 consultant for them. 03:13p

15 Q. The next section here says warnings. The 03:13p

16 first one I think we talked about this 03:13p

17 earlier, heard bad things from Salesky, do you 03:14p

18 see that? 03:14p

19 A. Uh-huh. 03:14p

20 Q. So when you were talking earlier about what 03:14p

21 Mr. Salesky told you, you were mostly focusing 03:14p

22 on a conversation, an hour long conversation 03:14p

23 he had with you in either late January or 03:14p

24 early February; is that correct? 03:14p

25 A. Correct. 03:14p

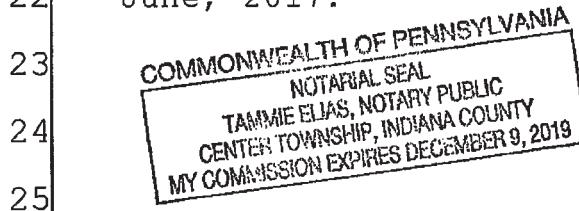
1 COMMONWEALTH OF PENNSYLVANIA) CERTIFICATE
2 COUNTY OF INDIANA) SS:
3

4 I, Tammie Elias, RPR and Notary Public in and
5 for the Commonwealth of Pennsylvania, do hereby
6 certify that the witness, JOHN BARES, was by me
7 first duly sworn to testify to the truth; that the
8 foregoing deposition was taken at the time and place
9 stated herein; and that the said deposition was
10 recorded stenographically by me and then reduced to
11 printing under my direction, and constitutes a true
12 record of the testimony given by said witness.

13 I further certify that the inspection, reading
14 and signing of said deposition were NOT waived by
15 counsel for the respective parties and by the
witness.

16 I further certify that I am not a relative or
17 employee of any of the parties, or a relative or
18 employee of either counsel, and that I am in no way
19 interested directly or indirectly in this action.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and affixed my seal of office this 19th day of
22 June, 2017.



Tammie S. Elias

24
25 Notary Public